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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Brian Whitaker,

12 Plaintiff,

13 v.

14 Longboard Pier LLC,

15 Defendant.
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No. 2:22-cv-00103-KJM-CKD

ORDER

17 Plaintiff Brian Whitaker brings this civil rights action against defendant Longboard Pier
18 LLC under the Americans with Disabilities Act and Unruh Civil Rights Act. *See generally*
19 Compl., ECF No. 1. The clerk entered default against the defendant on May 24, 2022. Clerk's
20 Entry of Default, ECF No. 11. Because the defendant has not yet appeared, Whitaker has twice
21 requested and received a continuance of the pretrial scheduling conference. *See* Min. Order,
22 ECF No. 12; Min. Order, ECF No. 15. He now requests that the court vacate or continue the
23 October 6, 2022, Scheduling Conference. Req. to Continue, ECF No. 19. Whitaker explains that
24 his default judgment briefing is complete and will be filed once the plaintiff's witnesses have
25 executed their declarations. *Id.*

26 In light of the default entered on May 24, 2022, the two prior continuances, and the
27 limited time needed for Whitaker to file a motion for default judgment in accordance with Local

1 Rule 302(c)(19), the court **grants the request to vacate the pretrial scheduling conference.**

2 Plaintiff is directed to file the anticipated motion for default judgment by **October 21, 2022.**

3 This order resolves ECF No. 19.

4 IT IS SO ORDERED.

5 DATED: October 5, 2022.

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CHIEF UNITED STATES DISTRICT JUDGE